

October 18, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REVISED REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L00P0012**

VANDENBERG PLAT
Preliminary Plat Application

Location: South of South 320th Street and west of 39th Avenue South,
Federal Way, WA

Applicant: William E. Ruth Corporation, *represented by*
Eric Labrie
Barghausen Engineers
18215 72nd Avenue South
Kent, WA 98032
Telephone: (425) 251-6222

King County: Department of Development and Environmental Services
Land Use Services, *represented by*
Kim Claussen
900 Oaksdale Avenue SW
Renton, WA 98055-1219
Telephone: (206) 296-7167
Facsimile: (206) 296-7055

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	APPROVE, subject to conditions
Department's Final Recommendation:	APPROVE, subject to conditions (modified)
Examiner's Decision:	APPROVE, subject to conditions (modified)
Complete application:	May 3, 2000

EXAMINER PROCEEDINGS:

Hearing Opened:	August 23, 2001
Hearing Closed:	August 23, 2001

ISSUES/TOPICS ADDRESSED:

- Pedestrian safety
- Bonus density lots

SUMMARY:

The preliminary plat application is APPROVED, subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information:**

Owner/Developer: W.E. Ruth Realty
Attn. Bill Ruth
19222 108th Avenue Southeast
Renton, WA 98055
(253) 852-4682

Engineer: Barghausen Consulting Engineers
18215 72nd Avenue South
Kent, WA 98032
(425) 251-6222

STR: 15-21-04

Location: The site is located south of South 320th Street and west of 39th Avenue South

Zoning: R-4

Acreage: 4.86 acres

Number of Lots: 21

Density: 4.3 units per acre

Lot Size: Ranges from approximately 3,500 to 8,100 square feet

Proposed Use: Single-family detached dwellings and/or townhouse units lots 9-21

Sewage Disposal: Lakehaven Utility District

Water Supply: Lakehaven Utility District

Fire District: King County District #39

School District: Federal Way

Complete

Application Date: May 3, 2000

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the August 23, 2001 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.

3. W. E. Ruth Realty has submitted a preliminary plat application to subdivide 4.6 acres at a base residential density of 19 lots. The Applicant has also requested an additional 2 lots of bonus density under authority of KCC 21.A.34.040F(4)c based on providing a public benefit for energy conservation. The Applicant further retains the option of developing lots 9-21 at the northern end of the property as townhouse units.
4. The property is located on the south side of South 320th Street, just east of the Federal Way city limits and the South 320th Street Interchange with Interstate 5. South 320th Street is a major commuter route and designated a principal arterial, as is Military Road, located approximately 500 feet east of the site.
5. KCC Chapter 21A.34 provides to developers residential density incentives “in exchange for public benefits”. Evaluation of the density bonus proposal and its attendant public benefits occurs concurrently with review of the subdivision application. Under the Energy Conservation heading KCC 21A.34.040(4)c provides a ten percent increase above base zone density for “developments located within ¼ mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime non-peak hours.”
6. Two Metro buses currently serve this neighborhood along routes east of the plat on Military Road. Route 183, with transit stops located north of South 320th Street on Military Road, provides direct service west to Sea-Tac Mall and the Federal Way Transit Center and northbound service to the Kent Transit Center via the StarLake Park and Ride. Route 181, with a transit stop on Military Road south of South 320th Street, also travels west to the Federal Way Transit Center, albeit by a more circuitous southerly route, and on its eastern leg services Auburn and the Green River Community College. Both routes provide half hour service frequency during commuter periods and hourly service during the remainder of the day.
7. Convenient access to both bus routes can be provided from the Vandenberg Plat if a pedestrian walkway is constructed from the plat to South 320th Street. Following the South 320th Street walking route, all three transit stops serving the two bus routes can be reached within 850 feet walking distance or less. The Applicant has proposed a pedestrian pathway north to South 320th Street, to be located either at the north end of internal Road A between lots 13 and 14, or further east within the Tract A recreational facility.
8. If a pedestrian walkway to South 320th Street is not provided within the plat, the walking distances to the transit stops become considerably longer. From the southeast corner of the plat the walking distance to the Route 181 bus stop is approximately 850 feet, while the Route 183 stops north of South 320th Street are both more than 1400 feet away and therefore beyond the ¼ mile limit. From the northern portion of the plat, where most of the lots are concentrated and where the townhome units will be constructed, the walking distances without the pathway to South 320th Street are even greater. The distance from lot 10 to the Route 181 transit stop is just about an even ¼ mile, while the distances to both of the Route 183 transit stops are in excess of 1,850 feet.
9. The staff conditions originally proposed in the DDES report required that the Applicant construct urban frontage improvements along its northern boundary with South 320th Street. The introductory portion of original staff condition 8.d reads as follows:

“South 320th Street is classified as a principal arterial and slated for future HOV lanes in the City of Federal Way’s comprehensive plan. The property directly west of the Vandenberg plat is owned by Quadrant Corp and is within the City of Federal Way. The Vandenberg parcel is within the City of Federal Way’s future annexation area. The Quadrant property is currently in for a building permit with the City of Federal Way and has been required to widen South 320th Street to accommodate a future HOV lane.”

10. At the public hearing on this application the Department retreated from its original recommendation that the Applicant should make frontage improvements on South 320th Street. Staff was apparently persuaded that the amount of traffic that the Vandenberg plat will contribute to South 320th Street did not warrant a full frontage improvement requirement. While the traffic contribution analysis may be accurate, it fails to fully take into account the pedestrian safety issues attendant to constructing a pedestrian pathway from the plat to South 320th Street. Along the Vandenberg frontage as it currently exists, the paved shoulder is less than 5 feet in width and demarcated by only a fog line. In view of the volume and speed of traffic that travels this commuter arterial, the pedestrian safety factor provided by a narrow, unprotected shoulder in this location is not adequate. On the other hand, properties to both the east and west offer safer pedestrian facilities. As noted, the Quadrant property to the west will provide full frontage improvements based on Federal Way’s adopted six-lane road design, and from the Vandenberg boundary east to the Military Road intersection the paved shoulder is 8 feet in width.
11. Pedestrian safety concerns also extend beyond the requirements of Metro Transit customers. The Federal Way School District’s school bus stop is located south of South 320th Street, but on the east side of Military Road. This means that school children will need to cross Military Road at the South 320th Street intersection. Thus, school children will use the pedestrian pathway to South 320th Street as the shortest route to the signalized intersection at South 320th Street and Military Road. Further, insofar as one of the options being entertained by the Applicant is to place the pedestrian pathway within the plat’s recreation tract, this would mean that small children playing in the recreation tract would have direct access to South 320th Street in a location where minimum pedestrian safety features are being provided.
12. On reconsideration, the Applicant requested interpretation of Condition 4(b) within the Examiner’s September 10, 2001 decision. As a requirement to obtain bonus density approval, Condition 4(b) mandated construction of the South 320th Street frontage “to urban principal arterial standards with a curb line that matches the required curb line for the Quadrant property to the west, approximately 43 feet from the right-of-way center line.” The Applicant argues that, in the absence of findings and conclusions supporting a greater width, this language should be interpreted as requiring “the standard urban principal arterial improvements (30 feet of pavement from centerline of the right-of-way and a 6 ½ foot wide sidewalk), across the frontage of this property, transitioning to meet the curb line from the Quadrant property, situated approximately 43 feet from the centerline of the right-of-way.” Comments received from both DDES staff and the City of Federal Way argue for a reading of Condition 4(b) that requires the Applicant’s frontage improvements to match those being constructed by Quadrant at 43 feet from centerline.
13. As pointed out by Federal Way, the 66 foot pavement width stated within KCRS 2.02 and relied upon by the Applicant is a minimum requirement for urban principal arterials. Section 2.02 itself notes that greater widths may be warranted to meet state and federal funding criteria, while KCRS Section 1.03 recites that the precise extent of off-site improvements to serving roads will need to be determined by the reviewing agency on a case-by-case basis.

14. Comprehensive Plan Policy No. T-510 encourages cooperation between the County and cities in developing a countywide arterial/transit route system that provides for “efficient, seamless operation across jurisdiction boundaries.” Federal Way contends that its comprehensive plan accommodates the 2020 traffic forecast for South 320th Street by providing a six-lane design and that it would be “inefficient, uneconomical, inconsistent and contrary to KCRS” for the County to implement a five-lane design for Vandenberg that would require later replacement.

CONCLUSIONS:

1. The Applicant’s density bonus proposal provides a clear public benefit if public access is constructed between the plat and South 320th Street. If such a pedestrian facility is constructed, Metro customers employing Routes 181 and 183 will have convenient access to transit stops at walking distances of little more than 1/8 of a mile and school children will have a safe walking route to the South 320th Street/Military Road South intersection. If the pedestrian walkway is not provided, however, all plat lots will be more than ¼ mile from both Routes 183 transit stops, and only the southernmost lots will be within ¼ mile of the Route 181 stop. Without the pathway, most of the public benefit proposed by the Applicant will be lost.
2. In order to provide a public benefit sufficient to justify approval of bonus density units, the Applicant will need to modify its proposal to provide frontage improvements, including sidewalks, along South 320th Street. Without such frontage improvements, public safety cannot be adequately assured, and the public benefit conferred is outweighed by the risk to pedestrian safety. Accordingly, the plat conditions have been modified to tie the bonus density approval to the frontage improvements along South 320th Street. If the Applicant chooses not to make such improvements, the bonus density request should be denied and the pedestrian walkway eliminated.
3. As argued by the City of Federal Way, the public benefit evaluation should take into account the ultimate roadway plan for South 320 Street. The 6-lane design proposed by Federal Way will accommodate the 2020 traffic forecast, while a 5-lane design suggested by the Applicant would constitute an interim improvement only. The better view (and proper reading of Condition 4(d)) is that the bonus density approval should be based on construction of a permanent facility consistent with the City’s ultimate facility plan for South 320th Street so that coordinated and efficient improvement of this critical arterial link may be supported. If this requirement appears too costly, the Applicant retains the option to eliminate South 320th Street frontage improvements altogether and forego the bonus density award.
4. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
5. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Vandenberg, as revised and received on May 16, 2001, is APPROVED for 19 lots, with the option to expand to 21 lots if the bonus density requirements stated in condition no. 4 are met, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and/or minimum density requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services. Lots shall meet the minimum 30 foot lot width requirement. A note to this effect shall be placed on the final plat. If the Applicant does not meet the requirements for bonus density approval as set out in condition no. 4 below, the plat shall be revised to 19 lots.
4. The number of lots may be increased to 21 pursuant to the provision of KCC 21A.34.040F(4)c if the following requirements are met, as documented by the Applicant's engineering plan submittal:
 - a. Verification is provided from Metro and/or Sound Transit that the transit route distance and route frequency standards stated at KCC 21.A.34.040F(4)c can be met.
 - b. The South 320th Street frontage shall be improved to urban principal arterial standards with a curb line that matches the required curb line for the Quadrant property to the west, approximately 43 feet from the right-of-way center line.
 - c. A 5 foot paved path, per KCRS 3.08 shall be constructed from South 321st Street to South 320th Street. This path may be provided within Tract A (recreation). An easement to the public shall be shown on the engineering plans and final plat.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
8. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards(KCRS):
 - a. The internal loop access road (Road A) shall be improved at a minimum to the urban subaccess road standard.
 - b. OFFSITE: S. 322nd St. offsite (east site boundary to 39th Ave S.) shall be improved to a minimum 22 ft. pavement width with a 4 ft. wide shoulder on one side.
 - c. Road A from S 321st St. to Lots 13 and 14 shall be improved at a minimum to the urban minor access street standard.
 - d. As volunteered by the Applicant, 10 feet of additional right-of-way shall be dedicated along the S. 320th St. frontage for a total 60 feet from center line. If no density bonus has been approved pursuant to KCC 21A.34.040F(4)c, no pedestrian walkway from S. 321st St. to S. 320th St. shall be constructed.
 - e. Modifications to the above road conditions required by KCRS may be considered according to the variance provisions in Section 1.08.
9. The drainage plans shall comply with the 1998 King County Surface Water Design Manual (KCSWDM). Interceptor drains shall be designed along the west and north boundaries of the subdivision, according to the project engineer recommendations.
10. The 100-year floodplain for all onsite wetlands and streams shall be shown on the engineering plans per the 1998 KCSWDM.
11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.

12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
13. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
14. There shall be no direct vehicular access to or from South 320th Street from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
15. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
16. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

Wetlands

- a. Class 2 wetland(s) shall have a minimum buffer of 50 feet, measured from the wetland edge.
- b. Class 3 wetland(s) shall have a minimum buffer of 25 feet, measured from the wetland edge.
- c. The wetland(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT).
- d. Buffer averaging may be proposed, pursuant to KCC 21A.24.320, provided the total amount of the buffer area is not reduced and better resource protection is achieved; subject to review and approval by a DDES Senior Ecologist.
- e. A minimum building setback line of 15 feet shall be required from the edge of the tract.
- f. Wetland hydrology on the site shall be maintained following development. The engineering plans and TIR shall document existing hydrology and the methods used to maintain pre-development hydrology.

Streams

- g. Class 3 stream(s) shall have a minimum 25-foot buffer, measured from the ordinary high water mark (OHWM).
- h. Buffer averaging may be proposed, pursuant to KCC 21A.24.360, provided the total amount of buffer area is not reduced and better resource protection is achieved, subject to review and approval by a DDES Senior Ecologist.
- i. The stream(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT).
- j. Minimum building setback line of 15 feet shall be required from the edge of the tract.

17. Alterations to Streams or Wetlands

- k. If alterations of streams and/or wetlands are approved in conformance with KCC 21A.24, then a detailed plan to mitigate for impacts from that alteration will be required to be reviewed and approved along with the plat engineering plans. A performance bond or other financial guarantee will be required at the time of plan approval, to guarantee that the mitigation measures are installed according to the plan. Once the mitigation work is completed to a DDES Senior Ecologist's satisfaction, the performance bond may be replaced by a maintenance bond for the remainder of the five-year monitoring period to guarantee the success of the mitigation. The applicant shall be responsible for the installation, maintenance and monitoring of any approved mitigation. The mitigation plan must be installed prior to final inspection of the plat.

18. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

"Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law."

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

19. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e., landscape specs, equipment specs, area calculations, dimensions etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plans. The recreation space plan must be approved prior to engineering plan approval.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
20. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
21. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if South 320th Street is on a bus route. If South 320th Street is a bus route, the street tree plan shall also be reviewed by Metro.

- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 18th day of October, 2001

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 18th day of October, 2001, to the following parties and interested persons:

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MS OAK-DE-0100

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Bruce Whittaker
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Prel. Review Engineer
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before November 1, 2001***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before November 8, 2001***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for

MINUTES OF THE AUGUST 23, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00P0012

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Kim Claussen and Aileen McManus. Participating in the hearing and representing the applicant were Eric LaBrie and Hal Grubb. Richard Perez, City of Federal Way, and John Hall also participated in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00P0012
- Exhibit No. 2 Department of Development and Environmental Services Preliminary report, dated August 23, 2001
- Exhibit No. 3 Application dated May 3, 2000
- Exhibit No. 4 Environmental Checklist dated May 3, 2000
- Exhibit No. 5 Declaration of Non-significance dated July 6, 2000
- Exhibit No. 6 Affidavit of Posting indicating June 9, 2000 as date of posting and June 14, 2000 as the date the affidavit was received by the Department of Development and Environmental Services. *Notice of application*
- Exhibit No. 7 Plat Map dated May 16, 2001 (revision)
- Exhibit No. 8 Land Use Map 716 E & W; 728 E & W.
- Exhibit No. 9 Assessors Maps SW 10-21-04 & NW 15-21-04
- Exhibit No. 10 Level 1 drainage analysis by Barghausen, revised August 21, 2000
- Exhibit No. 11 Wetland Study by EA, dated April 20, 2000
- Exhibit No. 12 supplemental wetland study by Chad Armour, dated March 26, 2001
- Exhibit No. 13 Fax (2) fm Federal Way (a: Lori Michaelson; b: Rick Perez) July 17, 2001
- Exhibit No. 14 Revised recommendations
- Exhibit No. 15 New condition
- Exhibit No. 16 Aerial Maps
- Exhibit No. 17 City of Federal Way packet including color aerial photographs